

AMENDED IN ASSEMBLY AUGUST 2, 2010

AMENDED IN SENATE JUNE 1, 2010

AMENDED IN SENATE APRIL 27, 2010

AMENDED IN SENATE MARCH 22, 2010

**SENATE BILL**

**No. 1322**

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**Introduced by Senator Liu**

February 19, 2010

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An act to amend Section 18926 of, and to add Section 18926.5 to, the Welfare and Institutions Code, relating to public social services.

LEGISLATIVE COUNSEL'S DIGEST

SB 1322, as amended, Liu. Food Stamp Employment and Training program.

Existing federal law provides for the federal Supplemental Nutrition Assistance Program (SNAP), known in California as the Food Stamp Program, under which food stamps allocated to the state by the federal government are distributed to eligible individuals by each county. Existing federal law requires all food stamp recipients, unless otherwise exempt, between 15 to 60 years of age, inclusive, who are physically and mentally fit, to register for employment and participate in the Food Stamp Employment and Training (FSET) program.

Existing law requires the State Department of Social Services, to the extent permitted by federal law, to annually seek a federal waiver of the existing SNAP limitation that stipulates that an able-bodied adult without dependents (ABAWD) participant is limited to ~~three~~ 3 months of food stamps in a 3-year period unless that participant has met the work participation requirement. Under existing law, a county is required

to be included in the waiver unless the county declines to participate, as specified.

This bill would require a county to screen *food stamp* work registrants to determine whether they will participate in, or be deferred from, the FSET program, and would describe the criteria for deferral. The bill would authorize a *food stamp* work registrant who is deferred from mandatory participation in FSET to request to enroll in the program as a voluntary participant. The bill would require a county that participates in the FSET program to screen work registrants to determine whether they will participate in, or be deferred from, the FSET program, and would authorize a deferred work registrant to request to enroll in the FSET program as a voluntary participant. The bill would defer an individual from mandatory placement in the FSET program under designated circumstances.

This bill, commencing ~~July~~ *October* 1, 2011, would require a county that implements the federal time limits for ABAWDs to receive food stamps to offer self-initiated workfare, as defined by existing federal regulations, in addition to any other methods the county provides. The bill would impose specified requirements on counties with respect to the use of FSET and other federal funds and the implementation of FSET and other workfare programs.

*This bill would provide that it would not require a county to provide for workers' compensation coverage for an ABAWD or an FSET participant who elects to participate in self-initiated workfare, as specified.*

This bill would require the department to adopt implementing regulations by ~~July~~ *October* 1, 2012.

By increasing the duties of counties administering the Food Stamp Program, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1     SECTION 1. It is the intent of the Legislature in enacting this  
2 act to increase meaningful opportunities for employment and  
3 training in the Food Stamp Employment and Training (FSET)  
4 program.

5     SEC. 2. Section 18926 of the Welfare and Institutions Code is  
6 amended to read:

7     18926. (a) To the extent permitted by federal law, the  
8 department shall annually seek a federal waiver of the existing  
9 Food Stamp Program limitation that stipulates that an able-bodied  
10 adult without dependents (ABAWD) participant is limited to three  
11 months of food stamps in a three-year period unless that participant  
12 has met the work participation requirement.

13     (b) All eligible counties shall be included in and bound by this  
14 waiver unless a county declines to participate in the waiver request.  
15 If a county declines, the county shall submit documentation from  
16 the board of supervisors of that county to that effect.

17     (c) Commencing ~~July~~ *October* 1, 2011, a county that implements  
18 the federal time limits for able-bodied adults without dependents  
19 (ABAWD) to receive food stamps shall allow self-initiated  
20 workfare as a means to satisfy the federally mandated work  
21 requirement for ABAWDs, in addition to any other methods the  
22 county provides, and shall inform an ABAWD of this option.  
23 *Nothing in this section shall be construed to require a county to*  
24 *provide for workers' compensation coverage for an ABAWD who*  
25 *elects to participate in self-initiated workfare, and a county shall*  
26 *have no duty to provide workers' compensation coverage for an*  
27 *ABAWD who elects to participate in self-initiated workfare,*  
28 *notwithstanding Division 4 (commencing with Section 3200) of*  
29 *the Labor Code.*

30     (d) For purposes of this chapter, "self-initiated workfare" means  
31 a public service placement in a public or a private nonprofit agency  
32 that is initiated by the food stamp recipient, for which the food  
33 stamp recipient is responsible for documentation of hours.  
34 Self-initiated workfare shall be verified in the same manner as  
35 other work activity verification and shall meet the requirements  
36 established in Section 20 of the federal Food Stamp Act (7 U.S.C.  
37 Sec. 2029) and its ensuing regulations and administrative notices,  
38 including, but not limited to, Section 273.22 of Title 7 of the Code

1 of Federal Regulations and USDA Administrative Notices 97-40  
2 and 97-58.

3 (e) Notwithstanding the rulemaking provisions of the  
4 Administrative Procedure Act (Chapter 3.5 (commencing with  
5 Section 11340) of Part 1 of Division 2 of the Government Code),  
6 the department may implement this section by all county letters  
7 or similar instructions. Thereafter, the department shall adopt  
8 regulations to implement this section by ~~July~~ *October* 1, 2012.

9 SEC. 3. Section 18926.5 is added to the Welfare and  
10 Institutions Code, to read:

11 18926.5. (a) (1) A county that participates in the Food Stamp  
12 Employment and Training (FSET) program shall screen *food stamp*  
13 work registrants to determine whether they will participate in, or  
14 be deferred from, the FSET program. If deferred, a *food stamp*  
15 work registrant may request to enroll in the FSET program as a  
16 voluntary participant. An individual shall be deferred from *a Food*  
17 *Stamp program* mandatory placement in the FSET program if he  
18 or she satisfies any of the criteria in Sections 273.7 and 273.24 of  
19 *Title 7 of the Code of Federal Regulations*, or if he or she resides  
20 in a federally determined work surplus area.

21 (2) For purposes of this section, “deferred” has the same  
22 meaning as exempt.

23 (b) A county that participates in the FSET program shall be  
24 required to demonstrate ~~that it is prioritizing the use of~~ *in its FSET*  
25 *plan how it is effectively using* FSET funds for self-initiated  
26 workfare, work experience or training, education, ~~and job search,~~  
27 *or the support services or client reimbursements needed to*  
28 *participate in these components, as allowed by federal law and*  
29 *guidance.*

30 (c) Commencing ~~July~~ *October* 1, 2011, a county that participates  
31 in the FSET program shall allow work registrants who are  
32 mandatorily placed in the program to meet the work requirements  
33 of the mandatory placement through self-initiated workfare, as  
34 defined in subdivision (d) of Section 18926, and shall inform the  
35 work registrant of this option. *Nothing in this section shall be*  
36 *construed to require a county to provide for workers’ compensation*  
37 *coverage for an FSET participant who elects to participate in*  
38 *self-initiated workfare, and a county shall have no duty to provide*  
39 *workers’ compensation coverage for an FSET participant who*

1 *elects to participate in self-initiated workfare, notwithstanding*  
2 *Division 4 (commencing with Section 3200) of the Labor Code.*

3 *(d) Nothing in this section shall limit a county's ability to*  
4 *condition the receipt of nonmedical benefits under Section 17000*  
5 *on an individual's participation in an employment and training*  
6 *or workfare program of the county's choice, even if that program*  
7 *is financed in whole or part with FSET funds or match funds.*

8 *(e) Nothing in this section shall restrict the use of federal funds*  
9 *for the financing of FSET programs.*

10 ~~(d)~~

11 *(f) Notwithstanding the rulemaking provisions of the*  
12 *Administrative Procedure Act (Chapter 3.5 (commencing with*  
13 *Section 11340) of Part 1 of Division 2 of the Government Code),*  
14 *the department may implement this section by all-county letters*  
15 *or similar instructions. Thereafter, the department shall adopt*  
16 *regulations to implement this section by ~~July~~ October 1, 2012.*

17 SEC. 4. If the Commission on State Mandates determines that  
18 this act contains costs mandated by the state, reimbursement to  
19 local agencies and school districts for those costs shall be made  
20 pursuant to Part 7 (commencing with Section 17500) of Division  
21 4 of Title 2 of the Government Code.